

In the Matter of:

COMPLAINANT

v.

KENTUCKY UTILITIES COMPANY

DEFENDANT

CASE NO. 96-101

On March 11, 1996, a complaint was filed by Cynthia A. Lewis against Kentucky Utilities Company ("KU"). The Complainant received a bill from KU which was higher than any bill she had ever received for electric service in the six years she had lived in her home. According to the Complainant, her family was not even home during this billing period. After KU refused to adjust her bill, she filed this complaint with the Commission requesting relief.

KU responded to the complaint April 5, 1996, stating that the Complainant had been billed only for service used in accordance with KRS 278.160(2). KU stated that it had made a complete and prompt investigation of the Complainant's increased usage upon request as required by 807 KAR 5:006, Section 9. KU met with the Complainant on January 24 and February 1. The Complainant's meter was tested on January 24, and found to average 99.6 percent accurate. KU explained to the Complainant, and the Commission, that the increased consumption was the result of a 34 percent increase in the heating degree days

for the period in question over the same period the previous year, an increase in usage of hot water and heating because of the Complainant's new baby, and the use of the emergency heat rather than the heat pump in colder weather. The Complainant had declined KU's offer to check her equipment.

KU's responses to an information request issued by the Commission corresponded to the information provided in KU's answer. KU clarified that the bill in question was the January 1996 bill, covering the period from December 15, 1995 through January 17, 1996, and was in the amount of \$147.23. In comparing the Complainant's billing history, while the January bill was somewhat higher than usual, there was an overall increase in the Complainant's electric consumption for the 1995-1996 heating season over the previous two heating seasons. Records provided by KU also showed a significant increase in monthly heating degree days for the 1995-1996 heating season as compared to the preceding two seasons. In addition, the Complainant and her husband did have a baby on October 20, 1995.

In her response to the Commission's information request, the Complainant disputed the fact that her family ever used anything for heat other than their heat pump, which had been checked for problems by a technician, who found none. The Complainant's main argument for her position that she had been overbilled remained the fact that she and her family were gone from their home during most of the billing period in question due to the illness and death of her husband's father.

A hearing was held June 13, 1996, at which KU appeared, represented by counsel, ready to proceed. The Complainant, however, did not appear. As the Complainant failed

to meet her burden of proof requirement, her complaint should be dismissed. There is no evidence that she was overbilled.

The Commission is somewhat concerned with KU's policy regarding the recalibration of meters after the meter has been tested upon complaint. After the Complainant's meter was tested and found to average 99.6 percent accurate, KU recalibrated it to as close to 100.0 percent as was possible (100.2 percent). The meter is currently in operation in Paris, Kentucky. 807 KAR 5:041, Section 15(3), provides that metering equipment shall be tested upon complaint and when suspected of being in error. 807 KAR 5:041, Section 17(1)(b), requires that when a meter is tested on complaint "additional test runs should be made and care exercised to insure that any trouble with the meter will be detected." Additionally, KRS 278.210 permits a utility customer to have any meter tested, at his request, by the Commission.

Had the Complainant requested additional testing, such testing would have been rendered meaningless due to the fact that the meter had already been recalibrated. When KU recalibrated the meter, any additional testing was precluded. KU therefore should examine its policy regarding the recalibration of meters after the meter has been tested upon complaint. A policy which sets aside each meter accused of being inaccurate by a customer, even after initial testing has shown it to be within the required range of accuracy, so that such a meter would not be recalibrated until additional tests could be conducted or the matter otherwise resolved between KU and the customer, would serve as a safeguard to both the customer and the utility.

IT IS THEREFORE ORDERED that the complaint of Cynthia A. Lewis against KU is dismissed.

Done at Frankfort, Kentucky, this 14th day of August, 1996.

PUBLIC SERVICE COMMISSION

Linda K. Breathitt
Chairman

E. J. Holmes
Vice Chairman

Robert M. Davis
Commissioner

ATTEST:

Don Mills
Executive Director